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on the Elimination
of all Forms of
Racial Discrimination

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Forty-seventh session

SUBMISSION OF REPORTS BY STATES PARTIES IN ACCORDANCE WITH ARTICLE 9 OF THE CONVENTION

Note by the Secretary-General

The present note contains information on the overall situation with regard to the submission of reports by States parties in accordance with article 9 of the Convention. Section A lists, in alphabetical order of State party, the reports received by the Secretary-General and reflects the status of reports submitted as at 6 June 1995. Section B lists the reports due in the order of the years in which they fell due from States parties up to the closing date of the present session of the Committee (18 August 1995).

Status of submission of reports by States parties under article 9 of the Convention

A. Reports received and pending consideration by the Committee

Belarus	Eleventh, twelfth and thirteenth periodic reports, due in 1990, 1992 and 1994 respectively, submitted in one document (CERD/C/263/Add.4)
Bolivia	Eighth, ninth, tenth, eleventh and twelfth reports, due in 1985, 1987, 1989, 1991 and 1993 respectively, submitted in one document (CERD/C/281/Add.1)
Chad	Fifth, sixth, seventh, eighth and ninth reports, due in 1986, 1988, 1990, 1992 and 1994 respectively, submitted in one document (CERD/C/259/Add.1)

Colombia	Sixth and seventh reports, due in 1992 and 1994 respectively, submitted in one document (CERD/C/257/Add.1)
Denmark	Tenth, eleventh and twelfth reports, due in 1991, 1993 and 1995 respectively, submitted in one document (CERD/C/280/Add.1)
El Salvador	Third, fourth, fifth, sixth, seventh and eighth periodic reports, due in 1984, 1986, 1988, 1990, 1992 and 1994 respectively, submitted in one document (CERD/C/258/Add.1)
Finland	Eleventh and twelfth reports, due in 1991 and 1993 respectively, submitted in one document (CERD/C/240/Add.2)
Hungary	Eleventh, twelfth and thirteenth reports, due in 1990, 1992 and 1994 respectively, submitted in one document (CERD/C/263/Add.6)
Mexico	Ninth and tenth periodic reports, due in 1992 and 1994 respectively, submitted in one document (CERD/C/260/Add.1)
Namibia 1/	Second and third periodic reports, due in 1985 and 1987 respectively, submitted in one document (CERD/C/153/Add.1)
New Zealand	Tenth and eleventh periodic reports, due in 1991 and 1993 respectively, submitted in one document (CERD/C/239/Add.3)
Nicaragua	Fifth, sixth, seventh, eighth and ninth reports, due in 1987, 1989, 1991, 1993 and 1995 respectively, submitted in one document (CERD/C/277/Add.1)
Nigeria	Thirteenth periodic report, due in 1994 (CERD/C/263/Add.3), and additional information submitted in compliance with a request of the Committee (CERD/C/283)
Spain	Thirteenth report, due in 1994, (CERD/C/263/Add.5)
United Arab Emirates	Seventh, eighth, ninth and tenth reports, due in 1987, 1989, 1991 and 1993 respectively, submitted in one document (CERD/C/279/Add.1)

United Kingdom of Great Britain and Northern Ireland	Thirteenth report, due in 1994, (CERD/C/263/Add.7)
Zaire	Third, fourth, fifth, sixth, seventh, eighth and ninth reports, due in 1981, 1983, 1985, 1987, 1989, 1991 and 1993 respectively, submitted in one document (CERD/C/237/Add.2)
Zimbabwe	Initial report, due in 1992, (CERD/C/217/Add.1)

B. Reports due

1. States parties from which two or more reports are due

State party	Type of report	Date on which the report was due	Number of reminders sent
Sierra Leone	Fourth report	5 January 1976	24
	Fifth report	5 January 1978	20
	Sixth report	5 January 1980	18
	Seventh report	5 January 1982	14
	Eighth report	5 January 1984	10
	Ninth report	5 January 1986	6
	Tenth report	5 January 1988	3
	Eleventh report	5 January 1990	3
	Twelfth report	5 January 1992	2
	Thirteenth report	5 January 1994	1
	Supplementary	31 March 1975	1
Swaziland	Fourth report	6 May 1976	25
	Fifth report	6 May 1978	21
	Sixth report	6 May 1980	19
	Seventh report	6 May 1982	13
	Eighth report	6 May 1984	9
	Ninth report	6 May 1986	4
	Tenth report	6 May 1988	3
	Eleventh report	6 May 1990	3
	Twelfth report	6 May 1992	1
	Thirteenth report	6 May 1994	1
Liberia	Initial report	5 December 1977	21
	Second report	5 December 1979	17
	Third report	5 December 1981	13
	Fourth report	5 December 1983	10
	Fifth report	5 December 1985	6
	Sixth report	5 December 1987	3
	Seventh report	5 December 1989	3
	Eighth report	5 December 1991	2
	Ninth report	5 December 1993	1
Guyana	Initial report	17 March 1978	21
	Second report	17 March 1980	17
	Third report	17 March 1982	13
	Fourth report	17 March 1984	10
	Fifth report	17 March 1986	6
	Sixth report	17 March 1988	3
	Seventh report	17 March 1990	3
	Eighth report	17 March 1992	2
	Ninth report	17 March 1994	1

State party	Type of report	Date on which the report was due	Number of reminders sent
Guinea	Second report	13 April 1980	17
	Third report	13 April 1982	13
	Fourth report	13 April 1984	9
	Fifth report	13 April 1986	4
	Sixth report	13 April 1988	3
	Seventh report	13 April 1990	3
	Eighth report	13 April 1992	2
	Ninth report	13 April 1994	1
Gambia	Second report	28 January 1982	14
	Third report	28 January 1984	10
	Fourth report	28 January 1986	6
	Fifth report	28 January 1988	3
	Sixth report	28 January 1990	3
	Seventh report	28 January 1992	2
	Eighth report	28 January 1994	1
Côte d'Ivoire	Fifth report	4 February 1982	14
	Sixth report	4 February 1984	10
	Seventh report	4 February 1986	6
	Eighth report	4 February 1988	3
	Ninth report	4 February 1990	3
	Tenth report	4 February 1992	2
	Eleventh report	4 February 1994	1
Lebanon	Sixth report	12 December 1982	12
	Seventh report	12 December 1984	8
	Eighth report	12 December 1986	5
	Ninth report	12 December 1988	3
	Tenth report	12 December 1990	2
	Eleventh report	12 December 1992	1
	Twelfth report	12 December 1994	-
Gabon	Second report	30 March 1983	11
	Third report	30 March 1985	7
	Fourth report	30 March 1987	4
	Fifth report	30 March 1989	3
	Sixth report	30 March 1991	2
	Seventh report	30 March 1993	1
	Eighth report	30 March 1995	-
Togo	Sixth report	1 October 1983	10
	Seventh report	1 October 1985	6
	Eighth report	1 October 1987	3
	Ninth report	1 October 1989	3
	Tenth report	1 October 1991	2
	Eleventh report	1 October 1993	1

State party	Type of report	Date on which the report was due	Number of reminders sent
Uganda	Second report	21 December 1983	10
	Third report	21 December 1985	6
	Fourth report	21 December 1987	3
	Fifth report	21 December 1989	3
	Sixth report	21 December 1991	2
	Seventh report	21 December 1993	1
Fiji	Sixth report	11 January 1984	9
	Seventh report	11 January 1986	5
	Eighth report	11 January 1988	3
	Ninth report	11 January 1990	3
	Tenth report	11 January 1992	2
	Eleventh report	11 January 1994	1
Bahamas	Fifth report	5 August 1984	9
	Sixth report	5 August 1986	5
	Seventh report	5 August 1988	3
	Eighth report	5 August 1990	3
	Ninth report	5 August 1992	2
	Tenth report	5 August 1994	1
Somalia	Fifth report	27 September 1984	9
	Sixth report	27 September 1986	6
	Seventh report	27 September 1988	4
	Eighth report	27 September 1990	3
	Ninth report	27 September 1992	1
	Tenth report	27 September 1994	1
Cape Verde	Third report	2 November 1984	9
	Fourth report	2 November 1986	6
	Fifth report	2 November 1988	4
	Sixth report	2 November 1990	3
	Seventh report	2 November 1992	1
	Eighth report	2 November 1994	-
Lesotho	Seventh report	4 December 1984	9
	Eighth report	4 December 1986	6
	Ninth report	4 December 1988	4
	Tenth report	4 December 1990	3
	Eleventh report	4 December 1992	1
	Twelfth report	4 December 1994	-
Saint Vincent and the Grenadines	Second report	9 December 1984	9
	Third report	9 December 1986	6
	Fourth report	9 December 1988	4
	Fifth report	9 December 1990	3
	Sixth report	9 December 1992	1
	Seventh report	9 December 1994	-

State party	Type of report	Date on which the report was due	Number of reminders sent
Papua New Guinea	Second report	26 February 1985	9
	Third report	26 February 1987	6
	Fourth report	26 February 1989	4
	Fifth report	26 February 1991	3
	Sixth report	26 February 1993	1
	Seventh report	26 February 1995	-
Suriname	Initial report	15 March 1985	9
	Second report	15 March 1987	6
	Third report	15 March 1989	4
	Fourth report	15 March 1991	3
	Fifth report	15 March 1993	1
	Sixth report	15 March 1995	-
Solomon Islands	Second report	17 March 1985	9
	Third report	17 March 1987	6
	Fourth report	17 March 1989	4
	Fifth report	17 March 1991	3
	Sixth report	17 March 1993	1
	Seventh report	17 March 1995	-
Botswana	Sixth report	22 March 1985	9
	Seventh report	22 March 1987	6
	Eighth report	22 March 1989	4
	Ninth report	22 March 1991	3
	Tenth report	22 March 1993	1
	Eleventh report	22 March 1995	-
Lao People's Democratic Republic	Sixth report	24 March 1985	8
	Seventh report	24 March 1987	5
	Eighth report	24 March 1989	4
	Ninth report	24 March 1991	2
	Tenth report	24 March 1993	1
	Eleventh report	24 March 1995	-
Burkina Faso	Sixth report	18 August 1985	8
	Seventh report	18 August 1987	4
	Eighth report	18 August 1989	4
	Ninth report	18 August 1991	2
	Tenth report	18 August 1993	1
Central African Republic	Eighth report	14 April 1986	7
	Ninth report	14 April 1988	5
	Tenth report	14 April 1990	5
	Eleventh report	14 April 1992	2
	Twelfth report	14 April 1994	1

State party	Type of report	Date on which the report was due	Number of reminders sent
Mozambique	Second report	18 May 1986	7
	Third report	18 May 1988	5
	Fourth report	18 May 1990	5
	Fifth report	18 May 1992	2
	Sixth report	18 May 1994	1
Jamaica	Eighth report	5 July 1986	7
	Ninth report	5 July 1988	5
	Tenth report	5 July 1990	5
	Eleventh report	5 July 1992	2
	Twelfth report	5 July 1994	1
Afghanistan	Second report	5 August 1986	7
	Third report	5 August 1988	5
	Fourth report	5 August 1990	5
	Fifth report	5 August 1992	2
	Sixth report	5 August 1994	1
Cambodia	Second report	28 December 1986	6
	Third report	28 December 1988	5
	Fourth report	28 December 1990	2
	Fifth report	28 December 1992	1
	Sixth report	28 December 1994	-
Mauritius	Eighth report	29 June 1987	6
	Ninth report	29 June 1989	5
	Tenth report	29 June 1991	3
	Eleventh report	29 June 1993	1
Mali	Seventh report	15 August 1987	5
	Eighth report	15 August 1989	5
	Ninth report	15 August 1991	3
	Tenth report	15 August 1993	1
United Republic of Tanzania	Eighth report	26 November 1987	5
	Ninth report	26 November 1989	5
	Tenth report	26 November 1991	2
	Eleventh report	26 November 1993	1
Barbados	Eighth report	10 December 1987	5
	Ninth report	10 December 1989	5
	Tenth report	10 December 1991	2
	Eleventh report	10 December 1993	1
Brazil	Tenth report	5 January 1988	5
	Eleventh report	5 January 1990	5
	Twelfth report	5 January 1992	2
	Thirteenth report	5 January 1994	1

State party	Type of report	Date on which the report was due	Number of reminders sent
India	Tenth report	5 January 1988	5
	Eleventh report	5 January 1990	5
	Twelfth report	5 January 1992	2
	Thirteenth report	5 January 1994	1
Pakistan	Tenth report	5 January 1988	5
	Eleventh report	5 January 1990	5
	Twelfth report	5 January 1992	2
	Thirteenth report	5 January 1994	1
Panama	Tenth report	5 January 1988	5
	Eleventh report	5 January 1990	5
	Twelfth report	5 January 1992	2
	Thirteenth report	5 January 1994	1
Venezuela	Tenth report	5 January 1988	5
	Eleventh report	5 January 1990	5
	Twelfth report	5 January 1992	2
	Thirteenth report	5 January 1994	1
Nepal	Ninth report	1 March 1988	5
	Tenth report	1 March 1990	5
	Eleventh report	1 March 1992	2
	Twelfth report	1 March 1994	1
Madagascar	Tenth report	8 March 1988	5
	Eleventh report	8 March 1990	5
	Twelfth report	8 March 1992	2
	Thirteenth report	8 March 1994	1
Seychelles	Sixth report	6 April 1989	2
	Seventh report	6 April 1991	2
	Eighth report	6 April 1993	1
	Ninth report	6 April 1995	-
Ethiopia	Seventh report	25 July 1989	2
	Eighth report	25 July 1991	2
	Ninth report	25 July 1993	1
Congo	Initial report	10 August 1989	2
	Second report	10 August 1991	2
	Third report	10 August 1993	1
Antigua and Barbuda	Initial report	25 October 1989	2
	Second report	25 October 1991	2
	Third report	25 October 1993	1
Namibia 1/	Fourth report	11 December 1989	2
	Fifth report	11 December 1991	2
	Sixth report	11 December 1993	1

State party	Type of report	Date on which the report was due	Number of reminders sent
Argentina	Eleventh report	5 January 1990	2
	Twelfth report	5 January 1992	2
	Thirteenth report	5 January 1994	1
Libyan Arab Jamahiriya	Eleventh report	5 January 1990	2
	Twelfth report	5 January 1992	2
	Thirteenth report	5 January 1994	1
Niger	Eleventh report	5 January 1990	2
	Twelfth report	5 January 1992	2
	Thirteenth report	5 January 1994	1
Philippines	Eleventh report	5 January 1990	2
	Twelfth report	5 January 1992	2
	Thirteenth report	5 January 1994	1
Yugoslavia 2/	Eleventh report	5 January 1990	2
	Twelfth report	5 January 1992	2
	Thirteenth report	5 January 1994	1
Mauritania	Initial report	12 January 1990	2
	Second report	12 January 1992	2
	Third report	13 January 1994	1
Rwanda	Eighth report	16 May 1990	2
	Ninth report	16 May 1992	2
	Tenth report	16 May 1994	1
Dominican Republic	Fourth report	24 June 1990	2
	Fifth report	24 June 1992	2
	Sixth report	24 June 1994	1
Malta	Tenth report	26 June 1990	2
	Eleventh report	26 June 1992	2
	Twelfth report	26 June 1994	1
Cameroon	Tenth report	24 July 1990	2
	Eleventh report	24 July 1992	2
	Twelfth report	24 July 1994	1
Mongolia	Eleventh report	4 September 1990	1
	Twelfth report	4 September 1992	1
	Thirteenth report	4 September 1994	1
Burundi	Seventh report	26 November 1990	1
	Eighth report	26 November 1992	1
	Ninth report	26 November 1994	-

State party	Type of report	Date on which the report was due	Number of reminders sent
Netherlands	Tenth report	9 January 1991	1
	Eleventh report	9 January 1993	1
	Twelfth report	9 January 1995	-
China	Fifth report	28 January 1991	1
	Sixth report	28 January 1993	1
	Seventh report	28 January 1995	-
Saint Lucia	Initial report	14 February 1991	1
	Second report	14 February 1993	1
	Third report	14 February 1995	-
Iraq	Eleventh report	15 February 1991	1
	Twelfth report	15 February 1993	1
	Thirteenth report	15 February 1995	-
Cuba	Tenth report	16 March 1991	1
	Eleventh report	16 March 1993	1
	Twelfth report	16 March 1995	-
Bahrain	Initial report	26 April 1991	1
	Second report	26 April 1993	1
	Third report	26 April 1995	-
Jordan	Ninth report	30 June 1991	1
	Tenth report	30 June 1993	1
Portugal	Fifth report	23 September 1991	1
	Sixth report	23 September 1993	1
Bulgaria	Twelfth report	5 January 1992	1
	Thirteenth report	5 January 1994	1
Costa Rica	Twelfth report	5 January 1992	1
	Thirteenth report	5 January 1994	1
Ghana	Twelfth report	5 January 1992	1
	Thirteenth report	5 January 1994	1
Uruguay	Twelfth report	5 January 1992	1
	Thirteenth report	5 January 1994	1
Haiti	Tenth report	18 January 1992	1
	Eleventh report	18 January 1994	1
Israel 3/	Seventh report	2 February 1992	1
	Eighth report	2 February 1994	1
Russian Federation	Twelfth report	5 March 1992	1
	Thirteenth report	5 March 1994	1

State party	Type of report	Date on which the report was due	Number of reminders sent
Syrian Arab Republic	Twelfth report	21 May 1992	1
	Thirteenth report	21 May 1994	1
Bangladesh	Seventh report	11 July 1992	1
	Eighth report	11 July 1994	1
Belgium	Ninth report	6 September 1992	1
	Tenth report	6 September 1994	1
The Former Yugoslav Republic of Macedonia	Initial report	17 September 1992	-
	Second report	17 September 1994	-
Croatia 4/	Initial report	8 October 1992	1
	Second report	8 October 1994	1
Chile	Eleventh report	20 November 1992	1
	Twelfth report	20 November 1994	-
Estonia	Initial report	20 November 1992	-
	Second report	20 November 1994	-
Algeria	Eleventh report	15 March 1993	-
	Twelfth report	15 March 1995	-
Tonga	Eleventh report	17 March 1993	-
	Twelfth report	17 March 1995	-
Latvia	Initial report	14 May 1993	-
	Second report	14 May 1995	-
Qatar	Ninth report	16 May 1993	-
	Tenth report	16 May 1995	-
Senegal	Eleventh report	18 May 1993	-
	Twelfth report	18 May 1995	-
Maldives	Fifth report	24 May 1993	-
	Sixth report	24 May 1995	-
Austria	Eleventh report	8 June 1993	-
	Twelfth report	8 June 1995	-

State party	Type of report	Date on which the report was due	Number of reminders sent
2. Other States parties whose reports are due before the closing date of the forty-seventh session (18 August 1995) but have not yet been received			
Slovenia	Initial report	6 July 1993	-
Viet Nam	Sixth report	9 July 1993	-
Greece	Twelfth report	7 August 1993	-
Norway	Twelfth report	6 September 1993	-
Romania	Twelfth report	14 October 1993	-
Yemen	Eleventh report	19 November 1993	-
Czech Republic	Initial report	1 January 1994	-
Slovakia	Initial report	1 January 1994	-
Republic of Korea	Eighth report	4 January 1994	-
Ecuador	Thirteenth report	5 January 1994	-
Egypt	Thirteenth report	5 January 1994	-
Holy See	Thirteenth report	5 January 1994	-
Iran, Islamic Republic of	Thirteenth report	5 January 1994	-
Kuwait	Thirteenth report	5 January 1994	-
Poland	Thirteenth report	5 January 1994	-
Tunisia	Thirteenth report	5 January 1994	-
Ukraine	Thirteenth report	5 January 1994	-
Morocco	Twelfth report	17 January 1994	-
Moldova	Initial report	25 February 1994	-
Sudan	Ninth report	20 April 1994	-
Germany	Thirteenth report	15 June 1994	-
Zimbabwe	Second report	21 June 1995	-

State party	Type of report	Date on which the report was due	Number of reminders sent
Bosnia and Herzegovina 5/	Initial report	16 July 1994	-
Armenia	Initial report	23 July 1994	-
France	Twelfth report	27 August 1994	-
Australia	Tenth report	30 October 1994	-
Peru	Twelfth report	30 October 1994	-
Trinidad and Tobago	Eleventh report	4 November 1994	-
Sweden	Twelfth report	5 January 1995	-
Italy	Tenth report	2 February 1995	-
Zambia	Twelfth report	22 February 1995	-
Norway	Twelfth report	3 March 1995	-
Zaire	Tenth report	21 May 1995	-

Notes

1/ The United Nations Council for Namibia acceded to the International Convention on the Elimination of All Forms of Racial Discrimination on behalf of Namibia on 11 November 1982. The second and third periodic reports due in 1985 and 1987 respectively, submitted in one document (CERD/C/153/Add.1) by the United Nations Council for Namibia, are pending consideration by the Committee (see section A of the present document). The fourth, fifth and sixth periodic reports, due in 1989, 1991 and 1993 respectively, have not yet been received.

2/ For a report and further information submitted in compliance with a special decision of the Committee taken at its forty-second session (1993), see CERD/C/248 and Add.1.

3/ For a report submitted in compliance with a special decision of the Committee taken at its forty-fourth session (1994), see CERD/C/282.

4/ For a report submitted in compliance with a special decision of the Committee taken at its forty-second session (1993), see CERD/C/249.

5/ For a report submitted in compliance with a special decision of the Committee taken at its forty-second session (1993), see CERD/C/247.

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION

Documents submitted in compliance with a request of the Committee under article 9, paragraph 1, of the Convention*

MEXICO*

[31 July 1995]

I. ADDITIONAL INFORMATION

1. Mexico hereby submits for the Committee's consideration this document supplementing its ninth and tenth reports on the implementation of the Convention on the Elimination of All Forms of Racial Discrimination. It contains an overview of the steps taken to provide support for vulnerable groups in Mexican society.

2. Everyone in Mexico is free to choose any lawful activity, profession, business, trade or type of work they wish. To guarantee everyone in Mexico the right to work, the Constitution expressly lays down a series of prohibitions designed to prevent individuals from being forced to work against their will. The labour legislation also sets forth a series of limitations on work for certain groups of people, such as minors.

3. Article 133, paragraph 1, of the Federal Labour Act stipulates that employers cannot refuse to accept workers on the basis of age or sex. There are, however, legal limitations against hiring persons under the age of 14, and even, for some types of work, against hiring persons between 14 and 16 years of age when they have not completed elementary school. To hire a

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* The present document contains additional information pursuant to a request of the Committee in decision 2(46) adopted on 4 March 1995.

person between 14 and 16 years of age it is necessary to have permission from the parents or guardians or, failing the parents or guardians, of the trade union to which they belong, the Conciliation and Arbitration Board, the Inspector of Labour or the relevant political authority (Federal Labour Act, art. 23).

4. In addition to the above-mentioned legal framework, mention should be made of the Programme of Action for Children which in 1991 began programmes of assistance to minors in especially difficult circumstances. Particular attention has been given to the programmes on street children, children of antisocial and parasocial behaviour, children of migrant workers and indigenous children in situations of extreme poverty. The programme involves various agencies in both the capital and federative entities.

5. Eleven specific programmes have been established for children in especially difficult circumstances: preventive action for juveniles and street children, working children, abused children, drug-dependent children, institutionalized children, disabled children, children of migrant workers, indigenous children in situations of extreme poverty, refugee children and finally, returnee children.

6. The above-mentioned programmes are comprehensive and apply to children in general, with no differentiation whatsoever between boys and girls. The programmes do not mention or stipulate any difference between the sexes.

7. As regards the third age, Mexico has been working firmly and steadily on behalf of this group, beginning in 1979 with the establishment of the National Institute for the Elderly (INSEN) a decentralized government agency with its own legal status and assets.

8. The purpose of the Institute is to help, assist and guide senior citizens and to study their problems to find appropriate solutions. To that end it undertakes action to achieve its objectives, including: recreational events, continuing education and training programmes, and reductions for public transport, museums, optical equipment, pharmacies, laboratories and shops in general.

9. Mexican labour legislation protects the right of women to work and to enjoy all the benefits laid down in the labour legislation for male and female workers, with no distinction among sectors or branches of activity making up or that may be considered to be part of the formal economy; that is to say, the legislation in force is equally valid for the so-called unstructured sector of the economy and therefore its precepts also govern labour relations in that sector.

10. The main difference and inequality affecting women lies in the workload assigned them by society in terms of housework and child care, which are considered to be the inherent and exclusive responsibility of their sex. As in many other countries, this situation has forced Mexican women to join the labour market without benefiting from the social conditions that would enable them to free themselves of this "double work day" and provide them with sufficient support for their family unit and their children's upbringing not to be disrupted or diminished.

11. Of the country's total population (81,249,645), 39,893,969 are men and 41,355,676 are women (1990 census). In past decades, Mexican women traditionally worked in the home, on an unpaid basis, while the men were responsible for supporting the family. However, from the 1970s on, women's participation in paid jobs has been increasing in both absolute and relative terms. This is due to the economic crisis, the increase in the number of single mothers and the expansion of the assembling industry, which gives preference to hiring female labour. An analysis of trends in recent years shows that the growing participation of women in the workforce has already become a structural pattern and will continue to increase. In the immediate future, despite the drop in the demographic growth rates, the economically active female population will continue to grow at a high rate, i.e. 3.2 per cent yearly, after increasing from 17.6 per cent to 19.6 per cent between 1970 and 1990.

12. As regards the economically active population nationally, according to the 1990 population census there were 24,063,283 people of working age, of whom 18,418,695 were men and 5,644,588 women, representing a proportion of 68.0 and 19.6 per cent respectively.

13. It should be noted that despite measures to eliminate and prevent prejudice against women by better integrating women into national life, the patterns of behaviour, traditions and customs of the Mexican people are such that many years will be required to effect a change in attitudes and ideas concerning the roles considered to be specifically assigned to each sex. Progress has been made in this area, but much remains to be done. In rural areas especially, it has been difficult to effect the cultural changes needed to eliminate attitudes and standards that place the female sex in a subordinate position to the male.

14. As noted above, the Mexican Constitution states that everyone, independently of race, sex and religion, may seek and establish a labour contract in the field most appropriate to their interests, on the sole condition that the activity is lawful, from which it follows that all workers, men and women, ethnic minorities, older people and foreigners legally residing in Mexico, are entitled to equal pay for equal work. Article 123, paragraph VII, subparagraph A, lays down the principle of equal pay for equal work, without regard to sex or nationality.

15. As regards young people, the demographic growth rate is higher than the rate of job supply in industry, services and the countryside. This is compounded by the economic restructuring process and the existing asymmetry between young people's level of preparation and the requirements of employers. Nevertheless, a significant proportion of workers in the formal sector are young and have the same rights and obligations as adults.

16. In accordance with the legislation in force, women have the same rights and obligations as men as regards working conditions, and indeed working women enjoy specific social benefits such as paid maternity leave for 45 days before the birth and 45 days after it, in addition to two half-hour rest periods per day to breast-feed their children, and a day-care service, basically designed to protect mothers; they are also protected by not having to perform unhealthy or dangerous work, industrial work at night, work in trade or service

establishments after 10 p.m. or overtime work during the period of pregnancy or breast-feeding. Pre- and post-natal sick leave is paid and recognized for purposes of seniority. It should be noted that we are referring here to working women who are registered in the formal labour market. Regarding workers in the informal labour market, although labour rights are laid down for them in the Constitution and the country's Labour Act, they cannot be clearly standardized by the Government because of the very features of the informal labour market.

17. However, the actual situation is quite different, since many women earn a lower wage than men for similar functions. This is due to the erroneous idea that women work for "extra" income, since they are usually not the only breadwinner; although this observation is to some extent correct, given that women's monetary contribution has become indispensable for satisfying the basic needs of the family or domestic unit, due to the drop in purchasing power stemming from the economic crisis and adjustment policies, it is undeniable that the sex-based division of labour and the impact of the crisis itself, which has been to increase the number of working women, have contributed to a situation where the work and employment of women continue to be undervalued.

18. On 8 March 1995, with a view to the forthcoming Fourth World Conference on Women, held in September 1995 in Beijing, China, President Ernesto Zedillo announced the establishment of the National Programme for Women, under the responsibility of the Department of the Interior. The Programme will have an advisory board composed of both women and men and an inspectorate made up of representatives of women's organizations and movements.

19. The Programme includes far-reaching legislative amendments to give effect to the egalitarian provisions of article 4 of the Constitution, as well as amendments to the Civil Code to give proper recognition to women as heads of families, and combats violence in the family by introducing reforms to the Penal Code, which classify crimes of violence against the physical and moral integrity of women much more harshly. The Programme provides for adjustment of the laws governing the welfare agencies in order to equalize the rights of women heads of families; as regards heads of families in general, the Programme also maintains the right of all individuals to decide freely, responsibly and in an informed manner how many children they will have, intensifies educational programmes on women's health and strengthens work training programmes especially designed for women.

20. The National Programme for Women includes literacy courses for rural women, working women and women in conditions of poverty and marginality, and is also aimed at preventing women from dropping out of school and improving social security systems for working women.

21. All ethnic groups enjoy the same rights and obligations as the rest of Mexican society. The problem might lie in the handling of traditional crops or crafts which often provide only a basic or even marginal means of existence. The Government has been conducting support programmes for certain small business projects in the ethnic groups' places of origin. In addition, the Ministry of Labour and Social Welfare, together with the National Institute of Anthropology and History, carry out development programmes for

production and service cooperatives in indigenous communities, for the purpose of avoiding or reducing migration and the impairment of cultural identity. It should be emphasized that members of ethnic minorities have, as Mexican citizens, the same rights and obligations as other Mexicans.

22. Older workers have the same rights and obligations as other citizens, in employment, essentially in the formal economy sphere. When they reach an advanced age and are entitled to a rest, they are protected by social security, which continues providing them with medical services and care as well as retirement allowances or old-age pensions; the benefits are given not only to the pensioners but also to their dependants. As in the case of women, pensioners often work to supplement their pension, although they receive less than a younger worker would under equal circumstances.

23. In this connection, the National Institute for Statistics, Geography and Information Science (INEGI) indicates that the proportion of people with incomes below the minimum wage can be grouped into five major occupational categories; this proportion is higher among women than men, as can be noted from the following table.

OCCUPATIONAL CATEGORY	LESS THAN MINIMUM WAGE		MORE THAN MINIMUM WAGE	
	M	F	M	F
Professional and technical	3.1	4.3	96.9	95.7
Office workers	4.7	7.0	95.3	93.0
Merchants and sales people	23.3	55.0	76.8	45.0
Service workers	22.5	55.0	77.5	53.9
Industrial workers	37.5	53.7	62.5	46.3

24. INEGI adds that, regarding working conditions, 26 per cent of working women work less than 40 hours or over 48 hours per week and receive less than the minimum wage. The proportion of men in this situation is 18.3 per cent.

25. Regarding the corresponding data for the unstructured or informal sector, according to INEGI 35.4 per cent of all workers in the unstructured or informal sector earn less than the minimum wage because of their lack of training and elementary education, which forces them to work in low-paid jobs, although many earn more than the minimum wage because they combine jobs to increase their income.

26. Furthermore, 33.4 per cent of working men are found in this sector; 25.1 per cent of them earn less than the minimum wage. As for working women, 32.5 per cent work in the informal sector, where approximately 55.8 per cent earn less than the minimum wage.

27. Foreigners generally work in Mexico for short periods of time only, in specific technical or artistic activities or in professional sport. Those foreigners who have resided in the country for a certain time have the legal

possibility of acquiring Mexican nationality under articles 7 to 29 of the Nationality and Naturalization Act, that is to say, they may become Mexican.

28. The only restriction placed on foreign workers by the legislation in force is that they may not be members of the governing bodies of trade unions (Federal Labour Act, art. 372, para. II); this does not prevent them from performing other trade-union functions.

29. The Federal Labour Act is also applicable to foreign migrant workers, provided they reside legally in the country and have the necessary work permit, issued by the Department of the Interior. In principle they enjoy equality of treatment with Mexicans and have the same opportunities and the same possible standard of living as any Mexican worker; in most cases these workers receive better benefits than Mexican workers.

30. As regards disabled people, there have been a series of amendments to laws, including the regulations applicable to people with any degree of disability, impairment or handicap, all of whom are termed disabled (the World Health Organization distinguishes three types of disability).

31. Article 173 of the General Health Act of Mexico states: "Disability is understood to mean the limitation of an individual's ability to carry out by himself the activities necessary for his physical, mental, social, occupational and economic development, as a result of a physical, psychological or social deficiency".

32. Article 15 of the Federal Education Act lays down the right of disabled people to "special education or education of any other type or form in accordance with the educational needs of the population and the particular features of the groups comprising it".

33. There are recreational support measures to ensure that disabled people receive the facilities needed for their development (Regulation for Assistance to the Disabled in the Federal District, art. 15); educational establishments must include physical and administrative facilities to allow the free entry of disabled people, libraries must have Braille editions of books; and certain shops and pharmacies in the Department of the Federal District must sell prosthetic devices, tools and accessories for disabled people (Regulation for Assistance to the Disabled in the Federal District, art. 21).

34. The administration and dispensing of justice is one of the State's most important functions and one of society's most strongly expressed demands. Therefore, in order to make justice more accessible, the Mexican Government, in addition to establishing independent and effective courts, has focused much of its effort on the establishment and strengthening of a court-appointed defence system, to guarantee access to justice for everyone lacking the economic means to meet the costs of private counsel.

35. Free legal aid services may be requested voluntarily by the parties concerned in labour and civil proceedings, but are obligatory in criminal and family cases. Thus, when an individual involved in criminal or family

proceedings has not designated a lawyer to defend his case or lacks the means to pay one privately, the State will pay a court-appointed lawyer to defend him.

36. On 9 February 1922 the Act relating to the Federal Court-Appointed Defence System was adopted, establishing a corps of defence lawyers responsible for defending offenders lacking their own lawyer in criminal proceedings before the federal authorities. This corps of defence lawyers is under the supervision of the Supreme Court of Justice of the Nation and has been expanded and strengthened, with the result that in 1993 it was able to provide legal assistance in approximately 37,500 cases. Its services are free.

37. In family law cases, all problems relating to the family are considered to be in the public domain. An attempt is therefore made to ensure that the parties involved in all legal proceedings are assisted by accredited lawyers. Some relevant provisions on this subject are found in the Federal Code of Criminal Procedure and the Code of Civil Procedure for the Federal District, which even stipulate that hearings shall be suspended when any of the parties is not assisted by a lawyer and then require the judge to assign a defence lawyer to the individual concerned.

38. At the local level, the court-appointed defence system is not limited to criminal cases. Most of the States making up the Federation have legislation relating to a court-appointed defence system for the ordinary courts, which contains the constitutional obligation to provide free legal aid in criminal and family law proceedings and legal aid in other cases, to individuals lacking economic resources.

39. The court-appointed defence system is not the only means for dispensing free legal aid in Mexico. There are also the branches of the public prosecutor's office, which were established by the State to provide assistance and advice in specific fields. Mention should be made of the Federal Prosecutor's Office for Labour Defence, responsible for representing and advising workers and trade unions before any authority regarding matters involving the application of labour standards, and the National Scheme for Comprehensive Family Development (DIF), which has an extensive assistance programme in family matters, of which free legal aid is only a part. There are also branches of the public prosecutor's office specializing in other matters (consumer affairs, minors, etc.).

40. Finally, mention should be made of the amendments to 27 articles of the Mexican Constitution, introduced at the initiative of the President of the Republic last December, for the purpose of strengthening the federal judicial system and the independence of the judiciary. The most important innovations provided by these amendments are: membership and appointment process for the Supreme Court of Justice of the Nation, changes in the Court's competence and that of the other courts, establishment of the Federal Council of the Judiciary; extension of the general effect of certain Supreme Court decisions and new procedures for the constitutional review of legislation.

II. REPORT ON CHIAPAS: THE FREE AND SOVEREIGN STATE OF CHIAPAS

A. Territory and population

41. The Free and Sovereign State of Chiapas, located in the south-eastern part of the country, has an area of 73,887 square kilometres (3.8 per cent of the national total). It is bounded by Tabasco in the north, Guatemala in the east, Oaxaca and Vera Cruz in the west, and the Pacific Ocean in the south. Intersected by the Sierra Madre, it is irrigated by 46 rivers, two of which (the Grijalva and the Usumacinta) flow northwards and collect 15 per cent of Mexico's rainfall in its basins.

42. In 1980 the population census of the State of Chiapas registered 2,084,717 inhabitants (3.1 per cent of the national total) and in 1990 3,210,496 (4 per cent of the national total of 81,249,615), with an intercensal growth rate of 3.6 per cent (higher than the national average of 2.6 per cent); it is the federative entity with the eighth largest population. However, according to the 1990 census, the State of Chiapas has a negative migratory flow, with a difference of nearly 125,000 inhabitants.

43. According to the 1990 census, the employment rate in Chiapas was 97.7 per cent. Of its workforce, 58.3 per cent worked in the primary sector (agriculture, stock-raising, forestry, hunting and fishing), 11.1 per cent in the secondary sector (mining, oil and gas drilling, manufacturing industry, electricity and construction) and 27.4 per cent in the tertiary sector (trade and services) with the remaining 3.1 per cent unspecified.

44. The State has a large indigenous population (958,936 people), comprising 11 ethnic groups, which include: Tzeltales (322,000), Tzotziles (306,000), Choles (119,000), Zoques (87,000), Tojolabales (66,000) and Mames (23,000); other, smaller groups are: the Mochos (8,000); Cakchiqueles (3,000) and Lacandones (approximately 500 people).

45. The 1990 census recorded that 5,282,347 Mexicans speak an indigenous language, representing 7.5 per cent of the total number of people five years of age and over. Of this population, 80.2 per cent also speak Spanish. The monolingual population, that is those who speak only an indigenous language, has decreased considerably in the last 20 years.

46. According to the census, 87.1 per cent of the Mexican population between 6 and 14 years of age can read and write; if however children under the age of 8 are excluded from this figure, the proportion is above 90 per cent.

47. Illiteracy in Mexico, in comparison with 1970, has dropped considerably, from 25.8 per cent at that time to 12.4 per cent in 1990. At the State level, the highest illiteracy rate is found in Chiapas, although it dropped from 45.4 per cent in 1970 to 30 per cent in 1990.

48. As regards religion, according to the findings of the last census, conducted in 1990, the Chiapas population is mostly Catholic, with 67.6 per cent of individuals declaring that to be their religion;

16.3 per cent said that they were Protestant or evangelical and 1.9 per cent that they belonged to other religions, including the Jewish religion; 12.7 per cent said they had no religion and 1.5 per cent did not specify a religion.

B. General political structure

49. The State of Chiapas, as a federative entity of the Mexican Republic, is free, sovereign and autonomous. It has its own Political Constitution with the same division of powers as the national Government: executive, legislative and judicial. Its political division is in the form of municipalities, governed by the respective municipal councils.

50. Mexico was inhabited by the Maya for 3,000 years before the common era, and there remain excellent vestiges of this highly-developed culture in Palenque, Yaxchilán and Ocosingo; from those places there were migrations towards Petén Itzá, in Guatemala, and the Mayab (Yucatan). The sedentary groups, divided into Zoques, Tzeltales, Tzotziles and Lacandones, were dominated by the Chiapas, whose empire extended from Tuxtla to Chontalpa, in Tabasco.

C. Government programmes and action in Chiapas

1. National Institute for Indigenous Affairs

51. The measures adopted by the National Institute for Indigenous Affairs (INI) to guarantee the indigenous communities of the State of Chiapas full enjoyment of human rights and fundamental freedoms under conditions of equality have principally concerned the administration of justice.

52. Efforts to promote justice for indigenous people, taking their main demands into account, focus on activities aimed at the release of indigenous prisoners, the resolution of agrarian problems and the defence of indigenous labour rights, with a view to overcoming social inequalities and legal problems and eliminating delays in the dispensing of justice.

53. The Administration of Justice Department was accordingly established for the purpose of significantly developing judicial proceedings, which in previous years were uncoordinated and determined by pilot programmes, especially as regards the treatment of indigenous prisoners. Judicial action has now been organized in the following areas: criminal, legal anthropology, agrarian, labour, civil register and civil organizations.

54. In the criminal sphere, activities focus on identifying indigenous people who have been deprived of their liberty and providing the legal defence and advisory assistance needed to secure their release. In the matter of legal anthropology, special emphasis has been placed on the dissemination of materials on indigenous rights and the participation of translators in legal proceedings that involve indigenous people. In agrarian matters, studies are conducted to determine the total number of indigenous households that are entitled to special protection under the law and attention is given to agrarian questions in general.

55. With regard to labour rights, legal training courses and workshops have been conducted in areas with a high concentration of migrant workers. Activities related to the civil register aim at ensuring that members of ethnic groups are duly registered in order to establish their status as citizens.

56. Through the support group for civil organizations, projects are developed on training, legal counselling, research, etc. for the defence of indigenous rights.

57. Considering that nearly 35 per cent of the State's entire population, which numbers 3,210,496, is indigenous, and that according to information from the 1990 population census 13.55 per cent speak an indigenous language, activities aimed at indigenous people are particularly important, especially if we take their socio-economic, political and legal circumstances into account.

58. In tnis connection, the prison census conducted in Chiapas served to determine the number of indigenous prisoners and led to the development of activities aimed at securing their release.

Agrarian survey

59. Chiapas is a State with a mostly indigenous rural population living in small communities of under 1,000 people; it is significant that a great deal of irregularity exists in respect of land tenure. According to the agrarian survey conducted by the INI's Administration of Justice Department, communities with the highest number of agrarian petitions and disputes are seen in towns characterized by a high degree of marginality and extreme poverty and where also there are large concentrations of land. The petitioners are mainly Tzotziles, Tzeltales, Choles, Tojolabales and Mames.

60. There is a high incidence of such disputes in the frontier region, especially the town of Las Magaritas and the towns of Ocosingo and Palenque in the Selva region. Numerous cases of irregular land occupancy are found in the towns of Las Margaritas and Ocosingo. The municipal authorities of both regions have received many complaints of land plundering from small landowners, boundary disputes and requests for action to be taken on presidential decisions.

61. In the central region the most acute agrarian problems are found in the towns of Venustiano Carranza, Villa Flores, Tecpatan, Coapinalá, Angel Albino Corzo and San Fernando. There are a large number of complaints of land plundering and boundary disputes. In the Sierra Madre region, the towns of La Grandeza, Siltepec, Motozintla, Bellavista and Amatenango de la Frontera report mostly boundary disputes with some complaints of land plundering.

2. Office of the Attorney-General for Agrarian Affairs

62. On 27 February 1992, the Agrarian Act was published in the Diario Oficial, establishing the Office of the Attorney-General for Agrarian Affairs as a decentralized body attached to the Agrarian Reform Secretariat.

63. The Office is a Federal Administration body that has social welfare functions and is responsible for defending the rights of members of ejidos and communes and their successors, ejidos and communes themselves, small landowners, villagers and agricultural day labourers, through the powers conferred on it by the Agrarian Act and the institution's by-laws.

64. In keeping with these principles, its activities are devoted to legal representation and administrative or judicial management, information and guidance, assistance, organization and training, and to conciliation and arbitration in disputes and conflicts around agrarian matters or life in the ejidos, as provided for in article 136 of the Agrarian Act and its by-laws. The Office offers assistance at the community, group and individual level.

65. Listed below are the activities conducted since the Office of the Attorney-General for Agrarian Affairs was established to defend agrarian rights, in particular in the State of Chiapas.

66. Agrarian matters dealt with in the State of Chiapas. From April 1992 through March 1993, the Office received 9,076 applications concerning miscellaneous and legal matters in the State of Chiapas, of which it completed work on 7,763, or 85.53 per cent; 1,313, i.e. 14.47 per cent of the total, are still being processed.

67. Applications concerning the land tenure system, received from April 1994 through March 1995. Of the 5,275 applications received in the State of Chiapas, 4,150 came from ejidos, 346 from communes, 636 from small land holdings, 46 from State-owned lands, 8 from Colonos (Indians bound to estates) and 89 from other people with agrarian problems.

68. Applications received in the State of Chiapas and cases considered from April 1994 through March 1995:

(a) In the area of guidance and information, 1,528 applications were received and action was taken on 1,546, which included applications pending;

(b) 1,486 applications relating to conciliation matters were received and action was taken on 1,415;

(c) Three applications for arbitration were received, action was taken on two and one is pending;

(d) 400 applications for legal representation were received, action was taken on 167 and 233 are pending;

(e) 802 applications relating to summonses to and attendance at assemblies were submitted, action was taken on 756 and 46 are pending;

(f) 435 applications for legal advice were received, action was taken on 296 and 139 are still being processed;

(g) 517 applications relating to legal representation and administrative management were submitted, action was taken on 319 and 193 are pending;

(h) Seven applications relating to criminal and administrative complaints were received, action was taken on one and six are pending;

(i) In addition to the above-mentioned activities, the Office conducts the Programme of Certification of Ejido Rights and Tenure of Urban Sites (PROCEDE). The Programme is aimed at achieving undisputed property rights for agrarian units in general. From April 1993, when the Office began the programme in the State of Chiapas, through May 1995, 159 meetings were held for the purpose of delimiting and assigning lands in the State, with work being concluded on 151 ejidos, for which 39,242 documents of certification and tenure of ejido rights were issued for 15,659 individuals or families.

69. In keeping with the Government's current social policy, the Office has drawn up a general work programme which includes a component entitled "Defence of Indigenous Communities and Groups". The purpose is to represent and organize indigenous groups and provide them with services and information to defend their rights. The Programme also aims at promoting the integrity of indigenous communities and helping them to obtain better standards of living.

3. National Solidarity Programme

70. One of the factors that has most contributed to marginalization and isolation in Chiapas has been the fact that the population is very dispersed. Unlike the rest of the country, Chiapas still has a high proportion of its population in rural areas, since only 40.4 per cent of its population resides in urban communities (the national average being 71 per cent), whereas 59.6 per cent is divided into 16,302 communities of under 2,500 inhabitants, over 12,000 of which have fewer than 100 inhabitants and 7,000 of those only 10 residents or under.

71. The Mexican Government is devoting considerable efforts to the State of Chiapas in order not only to help overcome the marginalization and social backwardness of its population, but also to encourage productive projects in an attempt to tackle the causes of poverty and combat the marginalization of communities directly.

72. Although conditions of social backwardness persist for a large portion of the State's population, the progress described in this report attests to the sustained effort of the federal Government to make up for the neglect from which Chiapas has suffered for decades and the fact that it has been left out of the nation's development. As part of this effort, special attention has been given to the indigenous population, with a greater amount of assistance being channelled to the regions, towns and communities where indigenous peoples have settled.

73. One fundamental action towards this end was the designing in 1994 of flexible mechanisms for responding to demands by marginal groups; accordingly 17 Indigenous and Peasant Welfare Units were established, in order directly to attend to the proposals, requests and claims of the various social welfare organizations in the State and ensure prompt follow-up to the commitments made.

74. From 1991 to 1994, social development expenditure in Chiapas increased by 93.3 per cent in nominal terms and 48.6 per cent in real terms.

4. The armed conflict in the Los Altos, Selva and border regions of the State of Chiapas

75. On 1 January 1994 violence broke out in the regions of Los Altos and Selva in the State of Chiapas. The first negative effects of the emergence of an armed group called the Zapatist National Liberation Army, which made social and political demands and declared war on the Mexican army and Government, were felt by the population living in the area concerned by the conflict. The towns of Ocosingo, Altamirano and Las Margaritas were thus the main places fled by the civilian population, who, being pressured to join the revolt under threat of physical harm chose to emigrate and abandon their property.

76. Early in the conflict the Mexican Government clearly demonstrated its willingness to join in a dialogue and establish channels to meet the demands of the dissidents and to continue its social welfare and economic development programmes in the State.

77. Parallel to the efforts to establish channels of communication for meeting the armed group's demands, a programme of support for displaced families was set up to provide food and medical care, in coordination with the solidarity committees, the International Red Cross and the municipal authorities.

Inter-Agency Committee for Assistance to the Population Displaced by the Conflict

78. In March 1994 the Inter-Agency Committee for Assistance to the Population Displaced by the Conflict was established; it comprises the Department of Social Development (SEDESOL), the National Institute for Indigenous Affairs (INI), the National Scheme for Comprehensive Family Development (DIF), the Mexican Social Security Institute (IMSS), the Development Planning Commission (Coplade), the Red Cross, the National Educational Development Council (Conafe), the National Adult Education Institute (INEA), the National Water Commission (CNA) and Conasupo Distribution (DICONSA).

79. This Committee's main objective is to coordinate the agencies' efforts to provide food, clothing, blankets, inflatable mattresses and medical services for people who had left their communities and taken refuge in temporary shelters on the assumption that the conflict would be short-lived and that it soon would be possible to return to their places of origin.

Assistance for displaced persons

80. Through the Inter-Agency Committee, assistance is being organized on a systematic basis for displaced persons and responsibilities defined. Two groups were identified, i.e. displaced people living in collective shelters (public facilities) and those living in private homes, and it was decided that the IMSS would be responsible for assistance to the first group while those living in private homes would be looked after by the DIF. A mechanism for

dealing with the needs of displaced persons was also established, involving weekly meetings for analysing their needs and channelling their requests to the corresponding agencies for consideration.

81. At the beginning of the armed conflict the displaced population numbered approximately 12,000. This number has varied in response to the atmosphere of instability created by the armed group and the pressures created by clashes among social welfare organizations within the State.

82. In mid-1994 a first attempt was made to provide support for returnees. A plan known as the "Back to normal" plan was carried out, consisting in aiding those members of the displaced population who wished to return to their places of origin. The plan failed and there was even an increase in the emigrant population, which rose to its highest level in December as a result of the armed group's announcement that it was breaking the truce. This caused overcrowding of the shelters and an increase in the demand for food, blankets, inflatable mattresses and medical care.

83. From February to December 1994, MN$ 27,448,220 were invested covering 5,363 families totalling 25,144 inhabitants in the conflict area, which means that each family received support averaging slightly more than MN$ 5,000 in a period of 11 months. The main action taken concerned: food supply, medical services, grants for orphans, plastic water receptacles, coverlets, inflatable mattresses and clothing in general, sheets and bags, household goods, home improvement kits, transport to places of origin and drinking-water processors.

84. A survey conducted by DIF showed that the communities of origin of the displaced population are located in 211 population centres in the towns of Ocosingo, Palenque, Altamirano, Las Margaritas, La Trinitaria, La Independencia, Chenalho and Chicomuselo.

Return to the communities

85. In February 1995, once the minimal conditions for reincorporating displaced persons into their communities had been restored, the Inter-Agency Committee, in coordination with the Mexican army, the Department of Public Education (SEP) and the State Government, took a series of steps to assist the population residing in the conflict area, with special emphasis on support for the return of the displaced.

86. Generally speaking a strategy has been established and implemented that provides for support to be given primarily through social welfare and productive activities aimed at restoring normal conditions in the region. This includes support for reincorporating displaced groups into their communities. An attempt is made to ensure that these efforts take place in a climate of security and agreement among the groups themselves. Efforts are also directed towards developing and carrying out social service and infrastructure activities in the affected communities and encouraging productive projects with a view to creating viable alternatives for sustainable development.

87. The action being taken to secure the return of displaced persons takes the following forms:

(a) Entering information from all the agencies into a single data bank and conducting a survey of all the families involved to pinpoint needs and places of origin;

(b) Determining criteria for the return of displaced persons, by establishing the following mechanism;

(i) Agreement with the communities and their organizations on how to determine priorities and coordination arrangements;

(ii) Prior visits to communities to identify needs and define support projects. Visits for identifying needs are conducted in coordination with the community representatives, while the SEDESOL Welfare Units give priority to projects;

(iii) The logistics of the return process entails identifying the communities of origin closest to the chief towns and then moving out from those towns in stages towards the most remote areas.

88. The Mexican army has played an essential role in this context in providing the returning groups with logistical support, as have 200 members of the engineering and machinery corps in helping with reconstruction work in the communities, health services and food distribution.

Restoration of services

89. Work is under way to restore the services suspended due to the conflict and ranges from logistics design for the delivery of support kits to the reopening of schools and medical units. The following activities are worthy of mention:

Health

90. The Department of Health and the Mexican Social Security Institute have prepared a comprehensive programme for the rehabilitation of medical units and the expansion and improvement of preventive medical services. These activities include:

(a) The completion, fitting out and entry into operation of the hospital at Altamirano;

(b) Rehabilitation and entry into operation of the Guadalupe Tepeyac hospital;

(c) Beginning of construction on 17 Rural Medical Units;

(d) Reopening of 10 Rural Medical Units (UMR);

(e) Entry into operation of mobile medical units for the extension of health services to returnee communities.

Education

91. The Department of Public Education, in coordination with the State Government, has prepared a programme for the return of teachers, in preparation for the resumption of educational services. Facilities will be renovated and teaching materials will be provided, according to conditions in schools and the extent to which the displaced persons return.

92. The following activities will be conducted with a view to normalizing educational services in this area:

(a) Renovation and reopening of 510 schools closed at the beginning of the conflict, 381 of which are located in the towns of Ocosingo, Altamirano and Las Margaritas;

(b) Training and awareness-raising for 1,300 displaced teachers;

(c) Technical assistance for educational, agricultural and industrial programmes, an agreement between the communities and the authorities, through mobile units;

(d) Special literacy and production programme for women, through the INRA, linked to productive projects under the responsibility of SEDESOL;

(e) School breakfast programme for all children who have rejoined their communities, supplemented by a nutrition programme sponsored by the DIF;

(f) Expansion of CONAFE's Programme for the Promotion of Indigenous Communities;

(g) Special grants programme for the 1995-96 school year;

(h) Summer programme of remedial teaching using trainee teachers from teacher-training schools.

The family economy

93. Funds have been allocated to rebuild the foundations of the family economy. To this end, the National Institute for Indigenous Affairs has set up a contingency fund for groups of displaced persons with a capital of MN$ 2 million to support the backyard economy.

94. The regional solidarity funds have allocated MN$ 11.3 million for Ocosingo, San Quintín, Tanipe:las, Las Margaritas, Palenque, Santo Domingo and Sitalá, which will provide support for 35 productive projects.

95. Under the programme of assistance for coffee growers, support will be given to functional groups in Ocosingo, Las Margaritas, Santo Domingo and

Palenque, benefiting 29,200 farmers working on 46,000 hectares of land. The total investment of MN$ 9.3 million comprises MN$ 200 per hectare of arable land. Priority is given to groups of displaced persons.

96. To ensure that supplies are available, DICONSA is taking steps to reopen 69 community stores located in the conflict area.

Infrastructure

97. Rebuilding infrastructure is another priority. The Department of Social Development (SEDESOL), the Department of Agriculture, Stock-raising and Rural Development (SAGDR), the Department of Communications and Transport (SCT), the National Water Commission (CONAGUA) and the Federal Electricity Commission (CFE), in concert with the communities and the State and municipal authorities, select priority infrastructure projects in each of the displaced communities that had suffered because of their isolation. To this end, all forms of investment have been combined to achieve an overall result and avoid dispersion of resources.

98. The National Water Commission is planning to carry out 33 drinking water projects in the towns of Altamirano, Las Margaritas and Ocosingo. The Federal Electricity Commission will provide electricity to 74 communities. The Department of Social Development, through its Indigenous and Peasant Welfare Units, has accumulated requests for investment projects amounting to over MN$ 54 million in the towns mentioned above. The Department of Communications and Transport is to allocate MN$ 291.5 million for the construction, reconstruction and maintenance of 619 km of rural roads and highways.

Land tenure

99. The Office of the Attorney-General for Agrarian Affairs and the Agrarian Reform Secretariat are stepping up their efforts to review cases concerning land tenure and revalue the compensatory income to be paid to groups situated in the area so that such payments may be made to the persons concerned when they begin or complete their return journeys to their places of origin and may serve as further assistance for their reinstallation. Groups occupying land in the Montes Azules biosphere reserve and in the community of Lacandona are offered the alternative of a trust arrangement pending a review of their situation in the near future.

Social integration strategy

100. One of the Federal Government's major concerns connected with the return of displaced persons is the split that has occurred in the original communities between those who left and those who remained and who share the views of the EZLN. This gives rise to hostile attitudes that undermine the basis for harmonious coexistence.

101. The Mexican Government is seeking to promote the integration of these groups through activities for the benefit of the entire community: encouraging community participation in achieving common goals, promoting

dialogue and distributing the gains from such activities in an equitable manner and overcoming ideological, religious or partisan disagreements in the interests of reconciliation.

Progress in promoting the return of displaced persons

102. On 21 February 1995, the process of return began for those who had been displaced, coordinated by the inter-agency group formed by the Department of National Defence (SEDENA), the Health Administration (SS), the Mexican Social Security Institute (IMSS), the National Scheme for Comprehensive Family Development (DIF), the Department of Public Education (SEP), the National Institute for Indigenous Affairs (INI) and the Department of Social Development (SEDESOL), in cooperation with the State and municipal authorities.

103. The process has been taking place gradually, with full respect for the willingness of the displaced persons to start returning to their communities. The support they can expect upon their return is provided in advance, and the security of families is at all times guaranteed.

104. In this initial stage, the following forms of support have been given to each group of families that rejoin their community, in order to help them to fit into the community's economic life immediately: wood and sheet metal for building temporary housing; utensils for cooking and storing food; farming implements, seeds and other agricultural aids such as fertilizers and herbicides; and consignments of poultry and pigs. At the same time, governmental services have started returning to the area controlled by the EZLN; 30 rural medical units have been opened by IMSS-Solidarity, and educational services and supply systems for rural stores have gradually been restored.

D. The Mexican Government's efforts to combat marginalization in the State of Chiapas

1. Social development

105. Federal and State funds amounting to MN$ 776 million have been earmarked for the implementation of around 13,000 productive projects aimed at diversifying and consolidating the rural economy. These include the provision of electricity to 318 communities and the building of 1,200 kilometres of rural roads in Marqués de Comillas (La Selva region); the construction of 100 bridges on a number of rural roads; and work on 158 drinking water and sewer systems.

106. Of the 22,000 individuals displaced by the conflict, 18,500 have been assisted in returning to their homes in 174 communities in the municipalities of Ocosingo, Las Margaritas, Altamirano and La Independencia.

107. Each family has received assistance in the form of construction materials, utensils for cooking and storing food, farming implements and consignments of poultry and pigs.

108. SAGDR is distributing 103.6 tonnes of maize seeds, 80 tonnes of kidney bean seeds and 2,136 packages of vegetable seeds.

2. Public health

109. Public health services are being provided to 1.9 million residents of Chiapas, representing 64 per cent of the total population, through the 157 clinics and 11 branch hospitals of the Health Administration and the 5,225 medical units and 9 hospitals run by the IMSS-Solidarity Programme.

110. One hospital (in Guadalupe Tepeyac) and 35 medical units that had been closed because of the conflict have been reopened.

111. Building work has begun on 26 rural medical units run by the IMSS Solidarity Programme which will successively move into operation as from June; 10 medical units run by the SSA, which will become operational as from July; and the Altamirano Rural Hospital, which will begin providing services in August.

112. Six health centres and 11 branch hospitals are being renovated and equipped. Ten ambulances and 15 mobile medical units have been acquired.

113. Training is being given to 230 health workers and 100 assistants have been hired to help control cholera. Thirteen mobile units, each comprising a physician, a nurse and a dentist, have been set up in Las Cañadas (La Selva).

3. Public education

114. Of the 461 schools that were closed on account of the conflict, serving 26,000 pupils, 255 have been reopened. One hundred and seventy-five have been rehabilitated and a further 120 are being rehabilitated, with community support.

115. Thirty-five thousand pupils receive grants.

116. Five thousand educational facilities are kept in operation, 500 secondary schools have been provided with equipment and 39 institutions of upper middle education have been put into service.

4. Training

117. The Department of Public Education has provided technical training in more than 2,000 communities.

118. The Department of Labour and Social Security has made provision for 8,363 training grants for the unemployed. Of these, 2,005 are already being awarded for 69 courses. The training takes the form of agricultural, agro-industrial and industrial courses provided in all the regions of the State, including La Selva and Los Altos.

5. Communications and transport

119. Investments in the highway infrastructure represent 20 per cent of the budget provision at the national level and will enable the federal major highway system to be brought up to the standard of the rest of the country by the end of the year. The following highway projects are under way:

(a) Tuxtla Gutiérrez-Cosoleacaque, to link the State to the centre of the country; the current implementation rate is 18 per cent;

(b) The tarmacking of 180 km of the Fronteriza Sur highway;

(c) Rebuilding of the Las Couces-Arriaga highway. Maintenance work is being carried out on 1,603 km of the major highways, with a current implementation rate of 27 per cent.

120. Local construction firms are engaged in work to build, repair and maintain 181 rural roads. In Las Cañadas (La Selva) the 102-km-long Ocosingo-San Quintín road is being repaired and the 27-km-long San Quintín-Margaritas rural road is being tarmacked. Labour-intensive methods will be used to maintain the 2,500 km rural road system, thereby generating 800,000 days of work in the next six months.

121. Fifty communities will be linked by means of a rural telephone system.

6. Electrification

122. Electrification has been introduced in 14 communities in the Selva region, over and above the 318 social development operations completed throughout Chiapas.

7. Agrarian reform

123. Negotiations with 39 agrarian organizations resulted in 15 final agreements for the acquisition of 50,000 hectares through trust arrangements. So far, 20,061 hectares have been acquired for 83 property trusts serving 4,483 country-dwellers.

124. Eighteen guarantee funds have been set up, with assets of MN$ 140 million, as surety for the credits required for this programme. So far, 171 requests for credit have been approved.

125. The rules and mode of operation of trust arrangements that were holding up the acquisition of land have been reviewed.

8. Agricultural development

126. The following programmes have been started:

(a) The coffee growers' credit scheme: MN$ 140 million in credit to small producers for a total area of 140,000 hectares; credit extended to 68,000 coffee growers; 9.8 million days of work generated;

(b) The programme of direct support to farmers (PROCAMPO): MN$ 198 million in direct support to farmers for a total area of 450,000 hectares in 1995; support given to 260,000 farmers;

(c) Development of cotton growing: MN$ 42 million in funding; MN$ 7.4 million from PROCAMPO and the Ministry of Health, for a total area of 10,000 hectares and involving 620 farmers; one million days of work generated;

(d) Twenty-five million plants for coffee plantation rehabilitation.

127. Rules have been laid down to enable PROCAMPO to provide support for forest plantations. Tree nurseries serve as a basis for the development of rubber plantations.

9. Sustainable development of natural resources

128. At the first meeting on sustainable regional development for La Selva Lacandona, attended by representatives of governmental agencies, peasant organizations and research institutions, it was agreed to recommend the establishment of participatory planning bodies.

129. The process has begun to regularize the illegal forest management practices of Marqués de Comillas (La Selva). Appropriate penalties are being worked out and alternative sustainable management practices are being developed.

130. Sustainable development projects are being carried out in the El Ocote biosphere reserve. Decrees have been issued designating La Encrucijada and La Sepultura, covering 135,000 hectares and 177,000 hectares respectively, as wildlife protection areas.

131. In order to regulate the fishing industry efforts are being made to reach an agreement among fisherman's organizations and progress is being made with the two dredging programmes, Cabez del Toro-San Marcos and La Joya-Buenavista, with an implementation rate of 67 and 52 per cent respectively.

132. To improve water management, progress has been made with the hydro-agricultural programme, which has a current implementation rate of 35 per cent, and drinking water facilities are being established in 103 communities.

10. Development banks and funds

133. In the first five months of the year development banks funnelled more than MN$ 500 million in credit resources into the State of Chiapas.

National agricultural credit bank (BANRURAL)

134. Under an agreement with government agencies, the bank has provided budget resources for the purchase of 22,500 hectares.

135. It supports the credit programme for the 1995-1996 coffee crop.

The trusts-for-agriculture scheme (FIRA)

136. The programme for the current financial period is 13 per cent higher, in real terms, than in 1994.

137. It has approved credit lines to first-tier banks up to a maximum of MN$ 250 million for farmers in the low-income bracket for 1995. Funding will be provided for 568,000 hectares, essentially for 120,000 maize growers.

138. Its Rural Development Programme promotes horizontal and vertical integration for the streamlining of production processes.

National Foreign Trade Bank (BANCOMEXT)

139. The programme for the month of May amounts to US$ 22.6 million. Nearly US$ 16 million has been used to support coffee, banana and mango exports.

National Bank for Public Works and Services (BANOBRAS)

140. This provides the State with MN$ 133.23 million in support for drinking water, drains, infrastructure, urban equipment and housing. The rate of progress recorded for the programme in the month of May was nearly 50 per cent.

National Finance Corporation (NAFIN)

141. NAFIN carries out a credit rescheduling programme which is open to every kind of enterprise irrespective of the economic sector in which it operates.

Working Fund and Bank Financing for Housing (FOVI)

142. MN$ 18.1 million has been made available for 323 families who have become house owners.

143. Four thousand homes are being built which, it is planned, will be made available under credit arrangements in 1995 and 1996.

11. Employment, conciliation and arbitration services

144. In the first quarter of 1995 the employment service sent 2,358 applicants to occupy vacant posts and 641 persons were given jobs.

145. Special Board No. 49 of the Federal Conciliation and Arbitration Authority has been established, based in Tuxtla Gutiérrez.

12. Governance and institutional coordination

146. The Department of the Interior (SG) has requested all the agencies involved in the Chiapas Programme to develop a conceptual framework for comprehensive policies and coordinated actions by the Federal Government in respect of rights and indigenous culture, and welfare and development for the indigenous areas of the State.

147. The Department of the Interior and SEDES, with the participation of all the agencies, have drawn up a medium-term strategy geared to the following main objectives:

(a) Rights and indigenous culture

(i) Further the updating of the legal framework for handling complaints about practices and customs, traditions and forms of community government as a basis for the internal organization of free townships;

(ii) Promote the revaluation of indigenous culture; draw up cultural policies; review current teaching methods and curriculum content; and give wide expression to the multicultural character of the nation; and

(iii) Establish a new relationship between the State and the Indian peoples.

(b) Welfare and sustainable development

(i) The main objective is that the indices for education, health, housing, food, drinking water, drainage, electrification and communication infrastructure in Chiapas should attain the national mean by the year 2000;

(ii) On the basis of the experience acquired through the 100-days programme and the Las Cañadas programme, incorporate government policies into a single strategy calculated to reduce extreme poverty;

(iii) Assist the State Government in carrying out studies on the promotion of a law of justice and agrarian development for the State, in accordance with the law regulating article 27 of the Constitution;

(iv) Promote educational guidance policies whereby the population can be made aware of the need to adopt family-planning methods that will help to lower the birthrate;

(v) Promote the development of the State through regional programmes for the various areas of Chiapas;

(vi) Develop a new model of economic growth entailing redeployments in agriculture, stock breeding and forestry and incorporating the environmental dimension and sustainable development;

(vii) Strengthen municipal institutions, with organized community participation and new relations between institutions and communities, on the basis of social welfare centres in the main regions.

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION

Documents submitted in compliance with a request of the Committee under article 9, paragraph 1, of the Convention*

NIGERIA

[3 August 1995]

Introduction

1. The Government of the Federal Republic of Nigeria in its tenth to thirteenth periodic reports presented pursuant to article 9 of the International Convention on the Elimination of all Forms of Racial Discrimination assured the Committee of its cooperation at all times. The submission of additional information in the present report is intended to reaffirm that commitment and also to provide such useful and further information called for by the Committee at its twelfth session. 1/ The present report, apart from updating the records of the Committee, focuses on the Government's programmes and plans for the future.

2. The present Administration, which assumed power on 17 November 1993, was a child of circumstances, brought into being and nurtured in the peculiarity of its time and situation. It assumed power to stop the nation from its

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* The present document contains additional information pursuant to a request of the Committee in its concluding observations adopted on 17 August 1993 and additional information to that contained in the thirteenth periodic report of Nigeria (CERD/C/263/Add.3).

1/ See also the additional information provided by the Government of Nigeria in document CERD/C/283, of 19 April 1995.

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apparent drift, and possible collapse. The primary objective of the Administration therefore was to ensure the corporate existence of the nation and restore some modicum of confidence among the diverse multicultural and ethno-linguistic groups that make up the country.

3. In the special circumstances in which the Administration found itself, dealing with the issue of law and order was a major task and it had to balance the group interests of the majority of Nigerians against those of a few individuals. It was guided in that process by the realization that law, after all, is only a means to an end and that end is to assist in solving problems of the society for which it exists.

4. In the promulgation of new decrees or the implementation of existing laws, every effort has been made to balance such delicate but sometimes conflicting interests of individuals with those of the larger societal ones. The present Administration, however, made sure that the fundamental human rights of the average Nigerian, as provided for in the 1979 Constitution, were not unduly tampered with in the circumstances.

5. In assessing the performance of the present Administration on human rights issues, it may be useful to remind ourselves that "law is not the homeless, wandering ghost. It is a phase of human life located in time and space. We judge it not by its intellectual perfections or consistency but by the extent to which it meets our moral standards and needs".

6. We recognize that, today, the rights of individuals or groups are not restricted to domestic laws but are also the subject of international politics and law and are no longer restricted to domestic concerns alone.

7. Accordingly, the laws and measures taken by the present Administration have been tailored to deal specifically with the debilitating problems of the law and order situation prevailing in the country. They will be repealed or abolished when the special circumstances that necessitated their promulgation or implementation cease to exist. In any case, the track record of Nigeria on matters relating to human rights are well known. The picture will certainly become clearer when the Administration unfolds its blueprints on the transition programme on 1 October 1995.

8. We would like to emphasize, however, that the Federal Republic of Nigeria, as a sovereign and indivisible nation, imbued with the power and authority to make laws for the order and good governance of the country has consistently fostered, promoted, protected and encouraged the development of fundamental human rights in all their facets. It has, in recognition of its obligation as a State party to this Convention, made laws within its jurisdiction and competence and without violating the import of the definition of racial discrimination in article 1 of the Convention. Accordingly, the Federal Government of Nigeria, in conformity with article 1, paragraphs 2, 3, and 4, has taken special measures to secure adequate advancement for its own citizens and in some cases special groups were necessary without violating the basic rights of non-citizens living in Nigeria, bearing in mind, however, that we live in an interdependent world.

Information relating to the provisions of articles 2 to 7 of the Convention

9. The Federa Republic of Nigeria, with a population of about 98 million as at August 1995, consists of 30 states and the mayoralty of Abuja, the new federal capital. With 593 local government councils and over 250 ethnic groups having diverse cultures and languages, Nigeria is indeed multiracial in composition. In spite of the heterogenous nature of the country, Nigeria has over the years forged and lived in unity and harmony as one indivisible sovereign nation. The Federal Constitution, as adopted in 1979 and modified slightly to suit present circumstances, has to all intents and purposes provided a framework for promoting and protecting the ideals of a federation where groups and individuals, irrespective of race, colour, sex or religion can live in harmony.

10. In pursuance of its political objectives, the Federal Government has embarked upon development policies and put in place programmes aimed at encouraging group interests while maintaining the unity and sovereignty of the country. Conscious of the diverse ethno-linguistic groups and bearing in mind the need to bring the seat of government closer to the people as much as possible in order to enhance socio-economic development at the village level, the Federal Government has made provisions to fund directly the 593 local government councils. The Federal Government receives 48.5 per cent, the states 24 per cent, and the local government councils 20 per cent of the federal revenue.

11. In furtherance of the Government's integrationist policies and programmes, concrete steps have been taken to encourage rural development and promote feelings of belonging in the predominantly riverine states of the country where the bulk of the crude oil is produced. It has to be emphasized, however, that by law all mineral resources witnin the territory of Nigeria belong to the Federal Government. The enactment of the Oil Mineral Producing Areas Development Commission (OMPADEC) Decree No. 23 of 1992 with the objective, among others, of tackling the various ecological and environmental degradation problems, has been hailed as a welcome development.

12. The liberalization policies of the Government, as reflected in the 1989 Enterprises Promotion Decree which repealed that of 1977, were designed to attract foreign investment into the country. This, in turn, is expected to make available much needed capital and technical know-how for the development of the resources in the rural as well as in the urban areas of the country. The multiplier effect of the inflow of foreign capital in terms of job opportunities and transfer of technology will more than compensate any loss of opportunity in the participation by any group in the exploitation of mineral resources.

13. Section 15 of the 1979 Constitution of the Federal Republic of Nigeria provides for the political objective of the country - unity, faith, peace and progress. In the pursuit of these objectives, therefore, the Federal Government established secondary and tertiary institutions throughout the country designed to encourage and foster unity. The establishment in 1973 of the National Youth Service Corps Programme, under which young school graduates

are obliged to work in states other than those of their origin for one year, has not only proved successful but created a formidable esprit de corps among these youths throughout the country.

14. In pursuance of its political objective of unity in diversity, the Federal Government has taken several bold and innovative steps aimed at encouraging the development of interest groups. The establishment of a new Federal Ministry for Women Affairs and headed by a woman reflects the Government's commitment to encourage the development of programmes and policies in favour of women in order to create harmony of the sexes.

15. Other interest groups catered for through the establishment of commissions and programmes include the disabled, children and refuges. The impact of these national programmes and policies on the political objective of the country has been positive. Through these commissions, the Federal Government has been able to cater for the special needs of these groups by providing shelter and recreational facilities, education and better health facilities. In 1989 for instance, the Federal Government established the National Commission for Nomadic Education designed to provide education for the children of the nomadic population. It is important to stress that these programmes are established for the various interest groups, bearing in mind their social, economic and religious backgrounds.

16. Nigerians are warm, amiable and very accommodating people. They are however very conscious of their political and civic rights. Any denial of these rights by individuals or groups or Government are shortly resisted. This explains why many Nigerians go to court to seek redress whenever these rights are denied or violated. They become more agitated when they realize that the denial or violation of these rights has been perpetrated against them on account of their background or by reason only of their community, tribe or religion. In recognition of this sensitivity of the average Nigerian, the various Nigerian Constitutions since independence have made provision to ensure freedom from discrimination. Accordingly, section 39 of the 1979 Constitution of the Federal Republic of Nigeria provided for the protection of these rights.

17. The practical effect of this provision, which is largely in conformity with article 4 of the Convention, is that it enables every Nigerian, subject of course to restrictions imposed by law, to demand the full enjoyment of his political or civic rights. Any attempt by individuals or groups to cause disaffection against any person or group of persons or community, therefore, is adjudged by the Government as a violation of section 39. In order to balance societal interests, the Government has relied on the provisions of this section to call to order any attempt by individuals, groups or media houses to cause disaffection between one community and another. Media houses that thrived on the publication of materials that tended to promote the interests of the sector to the detriment of another have been dealt with according to the law. Any publication adjudged to incite one community against another has been seen as inimical to the overall interest of the unity of the country.

18. Section 39 (2) of the Constitution has been hailed by many in Nigeria as innovative and progressive, taking into consideration the prevailing social

and economic practices of the country. It enables any child, whatever the circumstances of his birth, to lay legitimate claim to inheritance in the estate of either of his parents.

19. It has to be emphasized that section 39 is an integral part of chapter IV of the 1979 Constitution, dealing with fundamental human rights. That chapter provides in essence for the rights to life, to the dignity of the human person, to personal liberty, to a fair hearing, to private and family life, to freedom of thought, conscience and religion, to freedom of expression and the press, to peaceful assembly and association, to freedom of movement, and to freedom from discrimination.

20. The Federal Government has ensured respect for the various freedoms provided for in the Constitution. The courts or special tribunals, as the case may be, established by law are obliged in their dispensation of justice to adhere strictly to these fundamental human rights. Failure to do so may result in appeal to a superior court or higher authority. Individuals or groups have availed themselves of that appelate system whenever they have felt that their rights have been violated.

21. The various rights enshrined in the 1979 Constitution are justiciable and anyone aggrieved, whether an individual, group or corporate body, citizen or non-citizen, in Nigeria can go before the courts. Records show that even state governments of the Federation have gone to court to obtain declaration of rights to property.

Article 2

22. In the area of the economy and investments, further restrictions have been removed. There has been deregulation by the instrumentality of the Nigerian Investment Promotion Commission Decree of 1995, which repealed the Nigerian Enterprises Promotion Decree of 1989. Any foreigner can invest in our economy. The Nigerian Export Processing Zones Decree, 1991, No. 34 promotes exportation with its provisions on export tax reduction.

Article 5

23. As stated in the thirteenth report, Decree No. 107 of 1993 did not erode the fundamental rights enshrined in the Nigerian Constitution. The different rights listed therein in paragraphs 30 to 40 remain protected in the Constitution.

24. The Nigerian courts have continued to play their expected role as an independent judiciary. If and when the rights are cited before any Nigerian court, they are recognized and upheld. In Alhaji Abba Tafifa vs. Alhaji Sa'adu Abubakar and others (1992) 3 NWLR, page 511, the Federal Court of Appeal held that the High Court had jurisdiction by virtue of Order I, Rule 3 (i) of the Fundamental Rights (Enforcement Procedure) Rules, 1979 to enlarge the time within which to commence an action for the enforcement of fundamental rights after the expiration of the prescribed period of 12 months. In Gani Fawehinmi vs. The State (1990) 1 NWLR, page 487, Babalakin, J.C.A.

applied the ruling of the Supreme Court in the case of Aroyewun vs. Adebanji (1976) II S.C. 33, where it was stated that unsuspended provisions of the Constitution would be strictly adhered to and that obedience to our Constitution should be the mood of the Nation.

25. Political rights, in particular the right to participate in elections on the basis of universal and equal suffrage, and other rights such as the right to freedom of movement and residence and the right to own property alone as well as in association with others are upheld.

Article 6

26. Section 42 of the 1979 Constitution provides that any person who alleges that any of his fundamental human rights has been or is likely to be violated may apply to a high court for redress. Apart from the state high courts, other courts of the land so empowered by the Constitution and other State institutions are open to anyone within Nigeria to seek redress, remedies and compensation.

27. In order to ensure that no individual whose right has been or is likely to be affected, is not disadvantaged by reason of finance, provision has also been made within the Constitution for legal aid to assist such individual or group to present his case before a competent court or tribunal.

28. The Government in special circumstances has risen to the defence of minority rights where appropriate to ensure fairness and equity. In situations of ethnic violence or clashes, the Government had set up Tribunals and called for memoranda to enable such tribunal to deal with cases of alleged seizure or abandonment of property. The findings or report of such tribunals have been found useful and acceptable to all concerned.

Article 7

29. The Nigerian Police Force has the reputation of being one of the best trained in dealing with conflict situations. Its record of involvement outside Nigeria, particularly in Africa and in some Caribbean countries in the 1970s and 1980s attests to this fact. It is able to deal with ethnic conflict situations without discrimination because of its central command structure at the federal level.

30. Other measures taken by the Federal Government to ensure compliance with article 7 of the Convention in combating racial prejudice while promoting racial harmony and understanding between nations include the establishment of the Technical Aid Corp Programme of the Ministry of Foreign Affairs, whereby young graduates of different disciplines volunteer to serve in developing countries for a given period. Every year the Ministry, upon request from developing countries mostly in Africa and the Caribbean, sends out an average of about 200 graduates to work in these countries. Their salaries and upkeep are borne by the Federal Government.

The Nigerian Criminal Code

31. As previously reported, the Government of Nigeria put in motion a process of law reform whereby the whole gamut of the Nigerian laws would be considered. In particular, a committee was set up on the review and reform of criminal laws and procedure. Specifically, the review of section 50 (2) of the Nigerian Criminal Code goes beyond the Criminal Code. The Nigerian Court of Appeal, reflecting the dynamism in the Nigerian Judiciary, in the case of Chief Arthur Nwankwo vs. The State (Nigerian Constitutional Law Reports (1985) para. 228) declared that section 50 (2) derogated from the freedom of speech guaranteed by section 36 of the Nigerian Constitution and to that extent was inconsistent. As part of the reform, the issue is currently being considered by the appropriate authority with a view to removing the constitutional hurdle.

32. The State policy against racial discrimination is clearly evident and cannot be compromised as the country works towards ethnic integration and religious harmony. It is constitutionally imperative to reflect the federal character of the nation through national or local facilities and institutions, etc. It is, therefore, necessary to reiterate that the provisions of section 39 of the Nigerian Constitution adequately exclude any form of discrimination.